

Appl. No. 10/814,911
Response Dated July 5, 2007
Reply to Office Action of April 4, 2007

Docket No.: 1020.P18339
Examiner: Le, Thi Q.
TC/A.U. 2613

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 1. This sheet, which includes FIG. 1, replaces the original sheet. In amended FIG. 1, the duplicate use of reference character “110” has been corrected and previously omitted numeral elements “130” have been added.

Attachment: Replacement Sheet

REMARKS

Specification

In the specification, the paragraph 0014 has been amended to correct minor editorial problems.

Figures

In amended FIG. 1, the duplicate use of reference character “110” has been corrected and previously omitted numeral elements “130” have been added.

Summary

Claims 1-20 stand in this application. Claim 6 has been canceled without prejudice. Claims 1, 13 and 16 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Allowable Claims

We would like to thank the Examiner for indicating the allowability of claims 6, 11 and 15 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits, however, that these claims represent patentable subject matter as currently listed based on the amendments and/or remarks given for the independent claims as discussed in detail below. Applicant would like to

respectfully reserve the right, however, to amend the allowable claims into independent form during further prosecution if warranted.

35 U.S.C. § 103

At page 4, paragraph 8 claims 1-5, 7-10, 12 and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bostak et al. (U.S. Patent 6,707,589) (hereinafter “Bostak”) in view of Nguyen et al. (U.S. Patent Publication 2004/0189388) (hereinafter “Nguyen”).

At page 12, paragraph 9 claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor (U.S. Patent 6,256,127) in view of Bostak and further in view of Nguyen.

Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-5, 7-10, 12 and 16-20. Therefore claims 1-5, 7-10, 12 and 16-20 define over Bostak and Nguyen whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

wherein said second driver circuit further comprising first and second output terminals, said output terminals being unconnected to said modulator circuit and said termination resistor disabling said constant current source associated with said second driver circuit

Applicant respectfully submits that the above-cited language is not disclosed by the cited references. As correctly noted in the Office Action at Page 14 Paragraph 10, the above-recited language is not disclosed by Bostak, Nguyen or Taylor and is considered allowable subject matter. Consequently, Bostak, Nguyen and Taylor, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claims 2-5 and 7-12 is respectfully requested. Claims 2-5 and 7-12 also are non-obvious and patentable over Bostak and Nguyen, taken alone or in combination, at least on the basis of their

dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claims 13 and 16 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 13 and 15 are non-obvious and patentable over Bostak, Nguyen and Taylor for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 13 and 16. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claims 14, 15 and 17-20 is respectfully requested. Claims 14, 15 and 17-20 also are non-obvious and patentable over Bostak, Nguyen and Taylor, taken alone or in combination, at least on the basis of their dependency from claims 13 and 16. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Conclusion

For at least the above reasons, Applicant submits that claims 1-5 and 7-20 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above.

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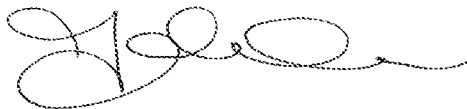
Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-5 and 7-20 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC

A handwritten signature in black ink, appearing to read 'John F. Kacvinsky', with a long horizontal flourish extending to the right.

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: July 5, 2007

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